



41

JP 16368

Approved for use through 07/31/2006 OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/869,445
	Filing Date	June 26, 2001
	First Named Inventor	Lingxun DUAN
	Art Unit	1636
	Examiner Name	K. Katcheves
Total Number of Pages in This Submission	12 + 52 REFERENCES	Attorney Docket Number 464332000200

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form (1 page, plus duplicate)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Form PTO-1449 (3 page, plus duplicate)
<input checked="" type="checkbox"/> Information Disclosure Statement (3 pages)	<input type="checkbox"/> CD, Number of CD(s) _____	References (52)
<input type="checkbox"/> Certified Copy of Priority Document(s)		Return Receipt Postcard
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**CUSTOMER NO. 25225****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	MORRISON & FOERSTER LLP Peng Chen - 43,543
Signature	
Date	February 5, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 5, 2004

Signature: (Diane Blevins)

sd-182840



PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

**Complete if Known**

Application Number	09/869,445
Filing Date	June 26, 2001
First Named Inventor	Lingxun DUAN
Examiner Name	K. Katcheves
Art Unit	1636
Attorney Docket No.	464332000200

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number

03-1952

Deposit  
Account  
Name

Morrison &amp; Foerster LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	x	=
Independent Claims	-3** =	x	=
Multiple Dependent			=

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00

**SUBMITTED BY**

Name (Print/Type) Peng Chen

Registration No.  
(Attorney/Agent)

43,543

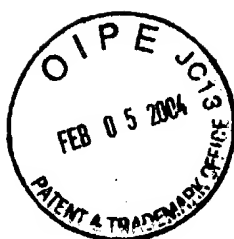
(Complete (if applicable))

Telephone (858) 720-5117

Signature

Date

February 5, 2004



PATENT  
Docket No. 464332000200

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on February 5, 2004.

  
Diane Blevins

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

Lingxun DUAN

Serial No.: 09/869,445

Filing Date: June 26, 2001

For: PRODUCTION OF RECOMBINANT  
MONELLIN USING  
METHYLOTROPHIC YEAST  
EXPRESSION SYSTEM

Examiner: K. Katcheves

Group Art Unit: 1636

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

02/11/2004 NROCHA1 00000012 031952 09869445

01 FC:1806

188.00 DA

The document numbers 2, 19, 20, 24, 36 and 49 listed on the attached Form PTO-1449 were cited in an International Search Report mailed on July 6, 2000 (copy attached) directed to a counterpart international or foreign application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_ is enclosed.
  - ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicant would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search

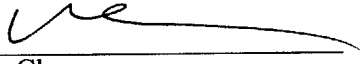
has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 464332000200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: February 5, 2004

Respectfully submitted,

By: \_\_\_\_\_

  
Peng Chen  
Registration No. 43,543

Morrison & Foerster LLP  
3811 Valley Centre Drive  
Suite 500  
San Diego, California 92130-2332  
Telephone: (858) 720-5117  
Facsimile: (858) 720-5125

Form PTO-1449

Docket Number 464332000200

Application Number 09/869,445

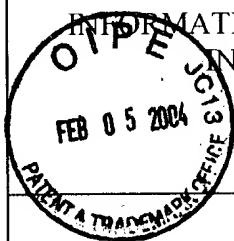
Applicant

Lingxun DUAN

Filing Date June 26, 2001

Group Art Unit 1636

Mailing Date February 5, 2004



# INFORMATION DISCLOSURE CITATION IN AN APPLICATION

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	04/1975	3,878,184	Dobry	260	112 R	
	2.	12/1976	3,998,798	Cagan et al.	260	112 R	
	3.	11/1981	4,300,576	van der Loo et al.	131	335	
	4.	11/1983	4,412,984	van der Loo et al.	424	58	
	5.	12/1985	4,562,076	Arnold et al.	426	5	
	6.	06/1989	4,837,148	Cregg	435	172.3	
	7.	08/1989	4,855,231	Stroman et al.	435	68	
	8.	11/1989	4,882,279	Cregg	435	172.3	
	9.	05/1990	4,929,555	Cregg et al.	435	172.3	
	10.	06/1992	5,122,465	Cregg et al.	435	172.3	
	11.	08/1993	5,234,834	Fischer et al.	435	320.1	
	12.	11/1993	5,264,558	Kim et al.	530	402	
	13.	06/1994	5,324,639	Brierley et al.	435	69.4	
	14.	12/1995	5,478,923	Kim et al.	530	300	
	15.	01/1996	5,487,983	Kim et al.	435	69.1	
	16.	09/1997	5,670,339	Kim et al.	435	69.1	
	17.	09/1997	5,672,372	Kim et al.	426	548	
	18.	10/2001	6,300,099	Sledziewski et al.	435	69.1	

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	19.	12/2003	EP 0821055	EPO			
	20.	12/1988	WO 88/10265	WIPO			

## OTHER DOCUMENTS (including author, title, Date, Pertinent Pages, Etc.)

Examiner	Ref.	Title
----------	------	-------

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449

Docket Number 464332000200

Application Number 09/869,445

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

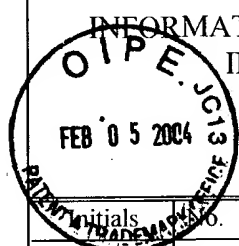
Applicant

Lingxun DUAN

Filing Date June 26, 2001

Group Art Unit 1636

Mailing Date February 5, 2004



- |     |   |
|-----|---|
| 21. | Abdulaev et al., Protein Expression and Purification (1997) 10:61-69  |
| 22. | Bohak and Li, Biochimica et Biophysica Acta (1976) 427:153-170  |
| 23. | Cagan, Science (1973) 181:32-35   |
| 24. | Cregg et al., Bio/Technology (1993) 11:905-910  |
| 25. | Dansby, Nature Biotechnology (1997) 15:419-420  |
| 26. | Ferrarese et al., FEBS Letters (1998) 422:23-26   |
| 27. | Ferrari et al., FEBS Letters (1997) 401:73-77   |
| 28. | Fidler et al., Journal of Molecular Endocrinology (1998) 21:327-336   |
| 29. | Fierobe et al., Protein Expression and Purification (1997) 9:159-170  |
| 30. | Frank and Zuber, HoppeSeyler's Z. Physiol. Chem. (1976) 357:585-592   |
| 31. | Heim et al., Biochimica et Biophysica Acta (1998) 1396:306-319  |
| 32. | Hudson and Biemann, Biochemical and Biophysical Research Communications (1976) 71(1):212-220  |
| 33. | International Search Report mailed on July 6, 2000, for PCT patent application no. PCT/US99/29213 filed on December 9, 1999, 4 pages. |
| 34. | Jönsson et al., Curr. Genet. (1997) 32:425-430  |
| 35. | Kim et al., Protein Engineering (1989) 2(8):571-575   |
| 36. | Kondo et al., Nature Biotechnology (1997) 15:453-457  |
| 37. | Kotake et al., Journal of Lipid Research (1996) 37:599-605  |
| 38. | Martínez-Ruiz et al., Protein Expression and Purification (1998) 12:315-322   |
| 39. | Merkle et al., Biochimica et Biophysica Acta (1997) 1336:132-146  |
| 40. | Morris and Cagan, Biochimica et Biophysica Acta (1972) 261:114-122  |
| 41. | Morris et al., Journal of Biological Chemistry (1973) 248(2):534-539  |
| 42. | Paifer et al., Yeast (1994) 10:1415-1419  |
| 43. | Ogata et al., Nature (1987) 328:739-742   |
| 44. | Ohi et al., Yeast (1996) 12(1):31-40  |
| 45. | Skory et al., Curr. Genet. (1996) 30:417-422  |
| 46. | Sadhukhan et al., Journal of Biological Chemistry (1996) 271(31):18310-18313  |
| 47. | Tsujikawa et al., Yeast (1996) 12:541-553   |
| 48. | van der Wel and Loeve, FEBS Letters (1973) 29(2):181-184  |
| 49. | Vedvick, Current Opinion in Biotechnology (1991) 2:742-745  |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449

Docket Number 464332000200

Application Number 09/869,445

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

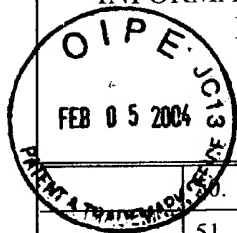
Applicant

Lingxun DUAN

Filing Date June 26, 2001

Group Art Unit 1636

Mailing Date February 5, 2004



- |     |   |
|-----|---|
| 50. | Vollmer et al., Journal of Immunological Methods (1996) 199:47-54     |
| 51. | Wuebbens et al., Biochemistry (1997) 36:4327-4336                     |
| 52. | Zhu et al., Archives of Biochemistry and Biophysics (1998) 352(1):1-8 |

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.